IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 12639 of 2007(D)

PETITIONER:

VIJAYAN N.P., KALATHIL HOUSE,
MUTHIYANGA, VIA PATHAYAKUNNU.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR, REPRESENTED BY ITS SECRETARY.

2. THE STATE TRANSPORT APPELLATE
TRIBUNAL, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007,THE COURT ON 05/12/2007 DELIVERED THE FOLLOWING:

WP(C) NO: 12639/2007 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. G/26630/06 DT. 26/10/2006 BY THE R1.

EXT.P2. COPY OF THE REPRESENTATION DT. 20/10/06 BY THE INDIAN NATIONAL CONGRESS (I), PERAVOOR MANDALAM COMMITTEE BEFORE THE R1

EXT.P3. COPY OF THE REPRESENTATION DT. 25/10/2006 BY THE PERAVOOR AREA HEAD LOAD & GENERAL WORKERS UNION, CITU, PERAVOOR TOWN UNIT BEFORE THE R1.

EXT.P4. COPY OF THE REPRESENTATION DT. 26/10/2006 BY THE KERALA VYAPARI VYAVASAI EKOPANA SAMITHI, PERAVOOR UNIT BEFORE THE R1.

EXT.P5. COPY OF THE REPRESENTATION DT. 26/10/2006 BY THE KERALA VYAPARI VYAVASAI PERAVOOR UNIT COMMITTEE BEFORE THE R1.

EXT.P6. COPY OF THE JUDGMENT DT. 31//1/2007 IN MVARP NO. 547/2006 BY THE STAT.

RESPONDENT'S EXHIBITS NIL.

True copy

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ANTONY DOMINIC, J.

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W.P.(C) No. 12639 OF 2007 D

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Dated this the 5th December, 2007

J U D G M E N T

Writ petition is filed praying for quashing Exts. P1 and P6 by which the request of the petitioner for grant of regular permit have been rejected by the R.T.A. and the said order has been confirmed by the STAT.

2. Ext. P1 shows that the report of the field officer had revealed that the grant will not be in public interest and will adversely affect the student community and short route passengers. In the revision that was filed against the order of the R.T.A , this very issue was considered by the STAT and the STAT also found that the grant of LSOS facility is against the interest of general public and on that reasoning, confirmed the order of the RTA.

3. Learned counsel for the petitioner contended for the position that the reasoning of the RTA as confirmed by the STAT is on the basis that the grant is opposed to Rule 2(oa) of the Kerala Motor Vehicles Rules and it was therefore that the permit was rejected. This contention of the learned counsel is incorrect. A reading of the impugned orders would show that it was only since

grant was against public interest that both the authorities had concurrently turned down the application of the petitioner. The petitioner has not placed anything on record to conclude that the reasoning concurrently adopted by the authorities below is incorrect.

4. The other contention raised is that in the case of every fresh application, the RTA is bound to grant permits and therefore the rejection of the application of the petitioner is incorrect. I cannot agree with this submission of the petitioner either. In this case, what the petitioner had applied for was an LSOS permit which the RTA found cannot be granted as it was opposed to public interest. A reading of the orders would show that it was more because of permit applied for was an LSOS one that the RTA and the STAT concluded that it was against public interest. The argument of the petitioner that the RTA has no right to reject the application irrespective of the public interest involved is incorrect.

For all these reasons, I do not find any reason warranting interference with Exts. P1 and P6. Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-